

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year)	See Form PCT/ISA/210 (sheet 2)
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Applicant's or agent's file reference

G50017PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/DE2005/000084

International filing date (day/month/year)

21.01.2005

Priority date (day/month/year)

23.01.2004

International Patent Classification (IPC) or both national classification and IPC

B65D33/25, A44B19/16

Applicant

GEA BUCK VALVE GMBH

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

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Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language
_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-33</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1-33</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1-33</u>	YES
	Claims _____	NO

2. Citations and explanations:

1. Reference is made to the following documents:

D1: US 5 664 299 A (PORCHIA ET AL) 9 September 1997
(1997-09-09)

D2: WO 03/037717 A (GEA BUCK VALVE GMBH; KOCH, MARTIN;
HEATH, GARY) 8 May 2003 (2003-05-08)

2. Document D1 is considered to be the closest prior art in respect of claim 1. It discloses a recloseable zip seal for reversibly closing a coupling seal, from which the subject matter of independent claim 1 differs in that:

the upper side of the first sealing strip has at least one third sealing element for reversibly docking to a complementary sealing element, and the upper side of the second sealing strip has at least one fourth sealing element for reversibly docking to a complementary sealing element.

Therefore, the subject matter of claim 1 is novel (PCT Article 33(2)).

The problem addressed by the present invention can be considered that of the sealing strip of the zip seal

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enabling the zip seal to couple to a second seal
reversibly and sealed from the surroundings.

The solution to this problem as proposed in claim 1 of the present invention is based on an inventive step (PCT Article 33(3)), because there is no indication whatsoever in the other available documents of the claimed third and fourth sealing element, or of the aforesaid problem being addressed. The combination of features in claim 1 is therefore neither known nor rendered obvious by the available prior art.

3. Document D2 is considered the closest prior art in respect of claim 2. Although D2 discloses a coupling seal comprising a recloseable docking seal for reversible docking of two coupling seals, the other design features of the coupling seal pursuant to claim 2 are not known from D2. The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

The problem addressed by the present invention can be considered that of providing a recloseable docking seal that can be coupled to a matching seal reversibly and sealed from its surroundings, regardless of the size and flexibility or rigidity of the materials used. The solution to this problem as proposed in claim 2 of the present invention (see lines 5-27 of claim 2) is based on an inventive step (PCT Article 33(3)), because these design features of the claimed coupling seal are not rendered obvious by any other documents. It must be noted in this regard that, even though the other cited document, D1, contains some of the features of claim 2,

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claim 2 relates to a recloseable docking seal for reversibly docking two coupling seals, whereas D1 does **not** disclose a docking seal suitable for reversibly docking two coupling seals. Furthermore, D1 provides no suggestion whatsoever of the claimed third and fourth sealing elements, or of the technical problem addressed by the present invention.

The combination of features contained in independent claim 2 is therefore neither known from nor suggested by the available prior art.

4. Claims 3-33 depend on claim 1 or claim 2 and therefore likewise meet the PCT requirements for novelty and inventive step.